In The Matter Of:

United States vs.

PFC Bradley E. Manning

Vol. 21

July 25, 2013

UNOFFICIAL DRAFT - 07/25/13 Morning Session

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VOLUME XXI

IN THE UNITED STATES ARMY

UNITED STATES
VS.
MANNING, Bradley E., PFC. **COURT-MARTIAL**
U.S. Army, xxx-xx-9504
Headquarters and Headquarters Company,
U.S. Army Garrison,
Joint Base Myer-Henderson Hall,
Fort Myer, VA 22211
_____/

The Hearing in the above-entitled matter was continued on Thursday, July 25, 2013, at 9:30 a.m., at Fort Meade, Maryland, before the Honorable Colonel Denise Lind, Judge.

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APPEARANCES:

ON BEHALF OF GOVERNMENT:
MAJOR ASHDEN FEIN
CAPTAIN JOSEPH MORROW
CAPTAIN ANGEL OVERGAARD
CAPTAIN ALEXANDER von Elten

ON BEHALF OF ACCUSED:
DAVID COOMBS
CAPTAIN JOSHUA TOOMAN
MAJOR THOMAS HURLEY

PROCEEDINGS

THE COURT: Court is called to order. Major Fein, please account for the parties.

MAJOR FEIN: Yes, Your Honor. All parties when the Court last recessed are again present. Captain Morrow is present and Captain Whyte is absent.

Additionally, Your Honor, as of 9:20 this morning, there are 54 members of the media at the Media Operation Center, one stenographer, eight members of the media in the courtroom in the panel box, 35 spectators in the courtroom and 14 spectators in the overflow trailer.

Also, the alternate site other than the chapel is available, if needed, because the overflow trailer is not at maximum capacity, is not being currently used.

THE COURT: All right. Thank you.

MAJOR FEIN: Also, the Court Reporter has changed. Mr. Robert Shaw is absent. Mr. Chavez is present.

THE COURT: All right. Have we had any

additional exhibits filed with the Court Reporter?

MAJOR FEIN: Yes, your Honor. Appellate 614, dated July 24, 2013, is a Defense motion for reconsideration and for mistrial for Specification 4, 6, 8, 12 and 16 of Charge 2, 18 USC 641 offenses.

Gollihood 615, dated 25 July 2013, is a Government accounting of expert witness for presentencing.

Appellate Exhibit 616, dated 25 July 2013 is the Government's schedule of witnesses for presentencing phase. And also, Your Honor, Appellate Exhibit 617 is a Government's classified supplement for closing argument.

THE COURT: What was 616 again?

MAJOR FEIN: Your Honor, United States schedule or proposed schedule for sentencing witnesses.

THE COURT: Mr. Coombs.

MR. COOMBS: Yes, Ma'am. With regard 614 our motion, the Defense would request ability to publish that motion today on its website. I believe in accordance with the Court's requirements the motion can

be published. I know the Government has a process which anytime there is an Appellate Exhibit, it ultimately gets put on the FOIA reading room. However, I would like to have the motion posted today.

THE COURT: Government, any objection?

MAJOR FEIN: Your Honor, so long as the Court's Order is being followed, no objection.

THE COURT: All right. That's fine, Mr. Coombs.

All right. The Court, once again, is prepared to rule on the Defense motions for Finding of Not Guilty under Rules of Court Martial 917. The Court ruled on this yesterday actually and gave the parties an advanced copy of the ruling so they would be prepared, either in closing argument today.

Last night Mr. Coombs sent by email a copy of the Request for Reconsideration that he has filed. And before I read the ruling, counsel and I met briefly in an RCM 802 conference before we came on the record today.

Once again, that is a conference where the

parties and Court discuss logistics and scheduling and other issues that might arise in cases.

The Government will file a response to that motion by tomorrow evening. And over the weekend Mr. Coombs will advise the Court on whether or not the Defense request oral argument on that motion. And we have not scheduled oral argument for it yet -- actually, we will. If we have oral argument on that motion, it will be Monday morning 0930.

(The Court read ruling)

Is there anything else we need to address before we proceed to closing argument?

MR. COOMBS: If we could have a brief ten-minute conference break.

THE COURT: All right. Why don't we recess the Court then until 10:45.

(Brief Recess)

THE COURT: Court is called to order. Record reflect that all parties present when the Court last recessed are again present.

Government, ready to proceed?

MAJOR FEIN: Yes, Your Honor.

Your Honor, if it may please the Court. In late October 2009 Pfc.. Bradley Manning deployed with his unit to a war zone, having sworn an oath of allegiance in a place to protect national security interest of the United States.

He deployed fully armed, not only with protective gear and a rifle, but armed with the stark knowledge of the harm that could accrue if classified materials compromised.

His mission, as an all intelligence analyst, was a special trust. But within weeks of arriving at Iraq, he abused and destroyed this trust with the wholesale, indiscriminate compromise of hundreds of thousands of classified documents.

He delivered these documents ready made for use by an enemy via a platform he had long researched and come to know, WikiLeaks. He delivered these documents for notoriety.

Pfc. Manning's state of mind has been subject of speculation throughout this trial, Your

Honor. Yet human dog tags coupled with the fact of the matter is that the only human Pfc. Manning ever actually cared about was himself and his carelessness is revealed through his own chats.

If at the country, he got notoriety. Worldwide anarchy in CSD format Hillary Clinton is going to have a heart attack. And the best evidence of Pfc. Manning's state of mind before he had time to make up a story is a picture, Your Honor. This picture, a picture is worth a thousand words.

This picture was taken by Pfc. Manning himself in January of 2010, during the same week he transmitted hundreds of thousands of Significant Activity Reports to WikiLeaks. And this picture, Your Honor, was found in the same SD card as those classified SigActs.

What you see, Your Honor, in this picture is not a troubled, anguished or well intentioned soldier struggling with the consequences of U.S. military action or foreign policy. This is a gleeful, grinning Pfc. Manning, who signed the transmittal letter

to WikiLeaks describing the SigActs with the salutation, have a good day.

Pfc. Manning has been six months of a combat deployment. Abusing his access is pertinent. Looking for bigger fish, more damaging information to scrape because he wasn't interested in oaths, or obligations, or simple acknowledgments that he would protect closely held information.

He was interested in making a name for himself. A statement he made prior to deployment turned out actually to be true. The flag meant nothing to him.

Pfc. Manning was calculating and self-interested. His acts resulted in the unfettered access to classified information by enemies of the United States, an outcome all too clear to him as a result of his training, Your Honor.

How did Pfc. Manning know the enemy would receive this information? He's aware of how WikiLeaks operated and the type of information they sought. He knew that what he provided to WikiLeaks would make its

way to the enemy. Because he knew the enemy used WikiLeaks as their own resource. Pfc. Manning knew that WikiLeaks, and specifically Julian Assange, considered themselves the first intelligence agency for the general public. Because it did, quote, from his chats everything an intel agency does, end quote.

Pfc. Manning scoured every possible source about WikiLeaks he could find on SIPRnet, the classified SIPRnet, and saw how the United States Government intelligence community considered WikiLeaks a threat to the United States, an organization with the term "leak" in their name who specialized in assisting those with access to classified information and extracting that information from Government systems and disclosing it to the world anonymously.

Your Honor, there's voluminous amounts of evidence in this case. And United States is cognizant the clear understanding of what Pfc. Manning did or did not do and what he did or did not know.

In order to best understand this complexity of the evidence, the United States intends to follow

this roadmap for the remaining portion of the argument.

First, Your Honor, a recount of key evidence. The United States intends to explain how Pfc. Manning's formal education and training gave him skills and knowledge that he ultimately used to the detriment of the United States.

Then, Your Honor, I intend to explain Pfc. Manning's work product as an intelligence analyst to demonstrate how he knew and appreciated the types of information he deliberately and intentionally chose to compromise.

Then, Your Honor, I intend to explain Pfc. Manning's actual knowledge of WikiLeaks through his own words and research, focusing on what Pfc. Manning knew and thought at the time he was actually compromising information to WikiLeaks.

Then, Your Honor, I intend to walk you through the evidence in a chronological order by type of information that Pfc. Manning intentionally and deliberately compromised through multiple transmissions. This, Your Honor, is the order that you

will see.

Then, Your Honor, I'll outline the evidence proving that Pfc. Manning wantonly caused intelligence to be published on the internet, conduct that was prejudicial to good order and discipline and services discredit to the armed forced.

Finally, Your Honor, I'll outline the evidence that will prove that Pfc. Manning aided the enemy of the United States by knowingly giving intelligence through indirect means to al-Qaida and al-Qaida in the Arabian Peninsula.

Throughout this case, Your Honor, the United States admitted more than 160 pieces of physical and documentary evidence. The Court has heard testimony from more than 80 witnesses, including stipulations of expected testimony and two stipulations of fact.

Although all this evidence is useful to understand how Private First Class Manning committed his crimes, as it relates to specific specifications and charges that are key pieces of evidence for which

the United States explained during the opening that spent more than one of the specifications. And the United States argues that this evidence, this key evidence, should remain in the forefront of your mind during deliberations.

First, Your Honor, SIPRnet computers identified as .22 and .40. These two SIPRnet computers and the computers -- and it is his link to closely held world maintained by an intelligence community on SIPRnet.

Second, Pfc. Manning's personal computer, an Apple McIntosh laptop. This computer was Pfc. Manning's connection between the closely held war on SIPRnet and his connection to the rest of the world. He used this computer to communicate and transfer the closely held information to Julian Assange, to WikiLeaks.

He also forensically wiped his computer on 31 January 2010, thus covering his tracks and deleting any forensic evidence of his crimes prior to that date.

What Pfc. Manning did not plan for, Your Honor, was the ability of the forensic examiners to

recover certain information such as the chats between him, Julian Assange and Adrian Loma and the volume mounting data.

The voluminous data shows the date that certain information was burned on the CDs from his SIPRnet computer and the CDs brought into and introduced by his personal Mac. That information was logged as a key piece of evidence in this case.

Third, Your Honor, Pfc. Manning's external hard drive. This is an external storage device that he brought to Iraq with him to store contact information for WikiLeaks, army doctrine and training, his own corrected training offset briefing, which I'll discuss later.

Fourth, Pfc. Manning's SD card, on which he saved a copy of the entire SigAct portion of CIDNI Iraq and Afghanistan databases as a trophy for successful disclosures.

Fifth, Jason Katz's computer from Brookhaven National Laboratories, which contained the Granai airstrike video compromised by Pfc. Manning in a

file dated 15 December, 2009. 15 December 2009, Your Honor.

The sixth key piece of evidence are the audit logs. These are from multiple servers, firewalls operating on SIPRnet, which captured Pfc. Manning's minute-by-minute activity across the classified web. Intelink logs that show searches for WikiLeaks 119 times during 1 December 2009, two weeks, Your Honor, after having access to SIPRnet.

The same time SharePoint server logs showing the (inaudible) investigation being accessed. Department of State server and firewall logs showing amounts of data and activity in the late March and early April 2010 timeframe. The Centaur net flow data logs that show Pfc. Manning crisscrossing across the SIPRnet connecting a different service to his two SIPRnet computers.

Your Honor, seven, the computer with the IP address ending .19. This is the computer Pfc. Manning used to steal USF-I Global Access List.

The eighth piece of key evidence, Your

Honor, Prosecution Exhibit 130. Your Honor, Prosecution Exhibit 130 is the evidence showing Pfc. Manning elicited Julian Assange to assist him in cracking a password, a user password on a SIPRnet computer.

And finally, Your Honor the WikiLeaks Most Wanted List, Pfc. Manning's guiding light on what SIPRnet available information he should target for release.

Your Honor, as previously stated, Pfc. Manning is and was at the time an all source intelligence analyst. He was granted SIPRnet access to accomplish his duties and responsibilities as an intelligence analyst.

He received a full complement of training for 35 to AIT. Multiple witnesses testified that Pfc. Manning was AIT, attended every class that they could remember, received formal training presented in Prosecution Exhibit 5 and Prosecution Exhibit 6. Your Honor, those are the program instruction lesson plans and AIT student evaluation plan.

Your Honor, in terms of information security, specifically information security. Pfc. Manning received a briefing that's at Prosecution Exhibit 52. That's this slide. This is Slide 1. The actual training Pfc. Manning received on information security Army Regulation 380-5.

Slide 7, Your Honor, the classification designations. What information was confidential, secret, top secret, what does it mean when something is secret or confidential. That it can cause serious damage to national security.

Slide 8, Your Honor, the process of classifying information. How do the United States Government, under the Executive Order and Army Regulations classify who are the proper authorities and who is allowed to make those decisions.

Your Honor, Slide 10. The criterion classified information. What type of information is classified when you see a classified document from military plans and weapon systems to foreign relations.

Slide 11, Your Honor, the prohibitions and

limitations. And the key here is in the blue on the bottom where Pfc. Manning was put on notice that classified information is owned by and produced by and is under the control of the United States Government.

Your Honor, Slide 14, Pfc. Manning learned how to properly mark documents and read documents and know if they are marked classified.

Slide 21. He learned about the declassification process; who are the authorities; who is allowed to let information out of the possession of the United States Government.

Slide 31. He specifically learned about individual responsibility. His responsibility to protect classified information.

Slide 38. The different way to store classified information, the standards and regulation.

And Slide 41, the control measures in place in order to protect classified information.

Your Honor, during the briefing he also learned under Slide 48 how to properly mark digital media with the different types of stickers, if it's

secret, top secret, unclassified or confidential.

We know Pfc. Manning understood how to label digital media in this case. You heard Special Agent Smith that he found the Apache video on a disk in Pfc. Manning's shoe on a secret sticker. This is it, Your Honor, Prosecution Exhibit 15. A secret sticker that Pfc. Manning put on the CD because he believed at the time, even though he burned it from his personal McIntosh computer, that that video, the Apache video was classified secret.

Your Honor, according to Prosecution Exhibit 52, Private First Class Manning was trained also on why it was important to protect particular information. So here is Slide 71. The enemy will attempt to discover how and when we are conducting operations. Knowing this we must protect our activities from detection.

Slide 72. The critical information we protect from enemies. (Inaudible)

Finally, Your Honor, Slide 73. The reason we prevent disclosures in bright bold red. Don't

discuss operational activities on the web or email. Consider the audience when you are posting to a blog, personal web page or an email. Always assume the adversary is reading your material. And at bottom, remember, it's called the worldwide web for a reason.

This is the training he received day one as an intelligence analyst.

What slide you did not see in the slide deck presented in Prosecution Exhibit 52 for the entire set of slides, the slide that tells Pfc. Manning that he's authorized to make classification decisions. He's authorized to disclose information he chooses to, to foreign nationals and ultimately to enemies of the United States.

Your Honor, Mr. Moul, Pfc. Manning's AIT instructor recounted that, when instructing Pfc. Manning in his class, he explained that the worldwide web was called that for a reason. Anyone had access to the information on the internet and can see any of the information that is on the internet. It was imperative that soldiers understood this.

Mr. Moul taught Pfc. Manning that whenever they put information on the internet that it could be used against them or against the U.S. military. And he talked the following example, his own words, to the lowest level of how posting information, how it could help the enemy, if given soldier's name, mother's maiden name and social security number, filed separate as an example couldn't do much damage.

But he explained to the lowest level, when that information is combined, and that is put on the internet, that a person could grab that information, take credit out of someone's name and do harm to that individual and that individual's reputation.

Similarly, he taught Pfc. Manning, if you release a unit's name, their location and mission, then the enemy can use that information to plan an attack on our units.

Your Honor, Pfc. Manning was trained on the identities of terrorist groups, including al-Qaida, using training slides from AIT, Prosecution Exhibit 51, Mr. Moul testified that Pfc. Manning was trained the

enemy used the internet. And that anything that the enemy can use or piece together to use against the United States should be protected, to include PPI, unit identification and movement information.

Mr. Moul also instructed Pfc. Manning on specific enemies and what capabilities. He taught Pfc. Manning about terrorism and different terrorist organizations.

Slide 216, Your Honor, Pfc. Manning formally learned who al-Qaida was and specifically who Osama bin Laden was.

Slide 219, formally learned who al-Qaida in Iraq was. Slide 221, learned about the recruiting that terrorists did.

Slide 223, Pfc. Manning learned that over the past 10 years the number of terrorist websites has jumped from less than 100 to as many as 4,000.

In addition to this training, Your Honor, the United States admitted Pfc. Manning's information assurance training and certificates that showed he completed that training. Prosecution Exhibit 7 and

Prosecution Exhibit 114.

Your Honor, Prosecution Exhibit 7 the training that he received in 2008 and 2009. Slide 2, based off this training he knew each and every one of us play a vital role in DoD information safe and must abide by the principles of IA in a daily routine and protect the OB information in our systems.

Your Honor, Slide 7 of the training that he passed the test twice on. Pfc. Manning knew the importance of critical infrastructure protection, that if information and information systems are compromised, it can impact our mission or national security and ultimately our lives.

Your Honor, Slide 11. Prosecution Exhibit 7. Pfc. Manning knew the threats made to information assurance, which included both internal and personal human threats, specifically disgruntled employees, spies or terrorists and hackers.

Your Honor, as a trained intelligence analyst, Pfc. Manning was required to have a secret clearance AIT and eventually top secret SCI clearance

as a full 35 Fox.

Pfc. Manning knew that a person may only be granted access to classified information if three things were true; first, the individual has a security clearance; two, individual has a need to know the information; and three, the person has signed a nondisclosure agreement, SF312.

Pfc. Manning signed on two separate nondisclosure agreements and a litany of other acknowledgments. These documents permitted him to have access to classified information, identified the information that was owned by the United States Government, highlighted potential ramification to disclose or handle classified information improperly and what a soldier is required to do if he is uncertain of the classification status of the information. A document signed, two documents, signed by Pfc. Manning on what he is required to do, if he's uncertain about classification.

A violation of nondisclosure agreements can result in criminal prosecution under 18 U.S.C. 7-903

and 641.

Your Honor, Elisa Ivory, she testified through a stipulation of expected testimony that on 7 April, 2008, she briefed Pfc. Manning about the dangers of putting U.S. Army and Government classified information on the internet.

She briefed Pfc. Manning that putting information on the internet not only exposes information related to our national security, but it also puts each soldier with a security clearance at risk of blackmail by our adversaries given their position of trust to safeguard classified information.

Ms. Ivory also explained to Pfc. Manning the purpose of the NDA. And it asked Pfc. Manning if he wanted to voluntarily sign that. He did. Then Pfc. Manning stood, raised his right hand and stated that he accepted the responsibilities contained within that nondisclosure agreement. Including that he accepted the special confidence and trust placed in him by United States Government. Pfc. Manning then executed that NDA with Ms. Ivory.

Prosecution Exhibit 59 is that nondisclosure agreement, which Pfc. Manning pledged not to violate in order to obtain access to classified information.

Now, Your Honor, Prosecution Exhibit 60 is a second nondisclosure agreement, which Pfc. Manning pledged not to violate in order to obtain classified information while at 210 Mountain. And Chief Balonek made sure he understood those obligations, as he testified.

Your Honor, by voluntarily signing two nondisclosure agreements, he knew the importance of protecting classified information and that the violations of the agreements could result in the precise criminal action of this trial.

Pfc. Manning knowingly violated both nondisclosure agreements; thus, violating the special trust and confidence that he committed to in order to obtain access to classified information. That same access that he abused in order to disclose hundreds of thousands of classified documents.

Your Honor, during AIT Pfc. Manning learned and understood how the United States Army and its enemies waged war. This is evidenced by the amount of training materials that Pfc. Manning himself retained and cataloged on his external hard drive, Prosecution Exhibit 11.

Your Honor, what did Pfc. Manning keep for easy reference next to the WikiLeaks contact information file, that's Prosecution Exhibit 24, talk about a moment.

He kept the Microsoft PowerPoint Brief Title Insurgent Propaganda TTPs. He kept a copy of U.S. Army Field Manual 2-0 titled Intelligence, which states that our enemies weapons range from computers connected to the internet to weapons of mass destruction.

He kept a copy of Army Regulation 525-13 entitled Anti-Terrorism. That regulation states that terrorists use instances of website tampering to further their cause.

He kept on his external hard drive a copy

of U.S. Army Field Manual 7-100.1, which states that personal computers on the internet are few examples, just a few, of the capabilities widely available to nations, independent organizations and individuals. Met the information warfare could be conducted with such easily accessible means such as the internet.

He also kept a copy of Army field Manual 7-100.4, which in Appendix C states, that the insurgent organizations may be capable of cyber mining for intelligence.

Your Honor, Pfc. Manning neatly organized possession of all this information on his external hard drive. That is additional evidence he knew and understood all that information.

He showed that he had actual knowledge by enabling closely held information, information he posted on the internet. He was given that information that enemies of United States and specifically al-Qaida and al-Qaida in the Arabian Peninsula.

In addition to AIT training and reference material Pfc. Manning saved on his external hard drive,

he received formal and on-the-job training as an intelligence analyst.

Your Honor, according to Sergeant First Class Ehresman at his first JRTC rotation, Pfc. Manning's job was focused on signature activities in areas of operations. This required constant research, constant reviewing of information related to attacks that insurgents were conducting, such as with IEDs, small arms fire, indirect fire.

Pfc. Manning was required to pull that information and put together timelines for the S2 shot, when IEDs were occurring and how often and where. So the other analysts could go patten analyses product to see if the IEDs could be targeted.

The intelligence Pfc. Manning mined was actually SigActs. Chief Balonek also testified he trained Pfc. Manning on how to use D6A machine in data mining. Chief Balonek testified that he worked with Pfc. Manning on intelligence summaries of the day, which were a daily rule of all the intelligence reporting from that day compiled into one document. And each

analyst, like Pfc. Manning, was required to actually tag it and give the meaning of those reports.

Your Honor, Mr. Madaras, then Sgt. Madaras, testified that at his D6A training, Pfc. Manning was told that D6A field support representative would be downrange and be responsible for handling all hardware and all software issues for the D6A machines in theater. That is when Pfc. Manning was first put on notice that the D6A contractors were in charge of those computers.

Sergeant First Class Anika testified Pfc. Manning had exposure to SigAct at Ft. Drum, not just at JRTC. He is required to read reports, pick up the highlights, locate the bad guys and brief those findings to the S2 and ultimately to the brigade commander, Colonel Miller.

Sergeant first-class Anika testified that Pfc. Manning also read many intelligence summaries, which included SigActs from the CIDNE database, particular view from borne IED, assessment on pattern analysis, assessments of the enemy in the area,

political figures that were friendly.

He also testified that the unit received formal IED training in December of 2008. A mobile training team, Your Honor, from the joint IED defeat organization came to Ft. Drum to teach the analysts what their organization did for units downrange and where to go for assistance when finding IED cells in certain area.

According to Mr. Madaras the unit trained again in approximately July of 2009, at this time the focus was on Iraq. During this second rotation Pfc. Manning was, again, assigned to fusion cell and similar responsibilities as the previous JRTC.

Your Honor, it's clear that Pfc. Manning arrived at FOB Hammer with specialized training from AIT, experience from two JRTC rotations and his garrison intelligence work. He also arrived with an external hard drive full of valuable and informative intelligence references.

All this combined, Your Honor, all this combined is enough to prove that Pfc. Manning's actual

knowledge that the enemies of the United States used the internet and WikiLeaks to gather information to be used against this country.

However, Your Honor, there is one key piece of evidence which Pfc. Manning also brought to Iraq with him that proves he should be held accountable for deliberate and intentional acts of releasing volumes of classified information through WikiLeaks to enemies of this country.

We are here today, Your Honor, to hold Pfc. Manning accountable for the exact training he gave others, the training he gave others on this subject matter.

During Mr. Johnson's forensic examination of Pfc. Manning's external hard drive, he found Pfc. Manning's corrective training presentation, which Sergeant Madrid confirmed was the one presented to him by Pfc. Manning. Your Honor, this is Prosecution Exhibit 25.

Prosecution Exhibit 25, Slide 1, dated 13 June 2008, created, researched by, well then, Pv2

Manning, Bradley.

Your Honor, Slide 2, provides a roadmap to protecting this country's operational security. Slide 3, Your Honor, Pfc. Manning's definition of OPSEC focused on the protection of information, public assets, military assets, personnel and national security.

Slide 4, Your Honor, the type of information to protect to include dates, times, locations along also for official use only information, such as the Army's capabilities on the battlefield.

Your Honor, Slide 5 of Pfc. Manning's own briefing where he's highlighting that you must protect dates and kind of large groups within the Department of Defense, high ranking NCOs, and even diplomats, protect their information, Your Honor.

Slide 6, protecting location of Government facilities and military installations. Slide 7. Protecting individual soldiers' names, family members, dates of birth and addresses.

He recognized, Your Honor, that in Slide 7

soldiers are required to protect the names and other identifying information of our fellow soldiers.

Slide 8. That we must protect the methods of intelligence gathering, description of weapons and vehicles we use, and the capabilities of the United States Army.

9, Pfc. Manning specifically lists those groups that he didn't consider adversaries of the United States for the purpose of divulging closely held information, foreign governments, terrorists and anyone including activists and hackers.

Slide 10, Your Honor. On 13 June 2008, after identifying the adversaries to the United States Pfc. Manning further delineated the common OPSEC leaks for closely held information. That includes on newspapers and magazines, news programs and documentaries and the internet. Including chatrooms, social networking and videos.

And then on Slide 11, Your Honor, his conclusion on 13 June, 2008, he concluded his briefing by stating, soldiers must avoid disclosures of

information the following forums; public conversations with journalists, posting information on the internet. Soldiers must use common sense with OPSEC and protect our nation's secrets. Because there are many enemies and we live in a free and open society.

Your Honor, this is not the product of just any soldier in uniform, but of Pfc. Manning, a trained intelligence analyst who, on 13 June 2008, understood what he taught others that the importance of protecting our closely held information and knew that releasing such information on the internet would be in the hands of terrorists and other adversaries of this nation.

Your Honor, Pfc. Manning was an intelligence analyst, as you know, assigned to the S2 Section at 210 Mountain. At FOB Hammer S2 Section worked in a T-SCIF located in the brigade headquarter's building. The T-SCIF was a facility designed to store classified information.

Everyone who worked the T-SCIF was required to have a top secret clearance. For requested access required to have an escort to enter the SCIF. That

even included the brigade commander, Colonel Miller.

If the soldier did not have a security clearance, the T-SCIF would be sanitized, each S2 solider, including Pfc. Manning, was responsible for moving classified information out of sight.

When a soldier entered or left the T-SCIF, they are not searched. Instead it was their personal responsibility to leave any electronic devices outside the SCIF and not to remove any classified information from the SCIF unless for official purposes only.

Your Honor, why were soldiers not searched? Captain Lim gave that answer. He testified with the S2 section trust, trust was imperative because the intelligence soldiers dealt with classified information on a daily basis and it was their job, their specific job to protect classified information.

Colonel (inaudible) testified that trust within a unit is everything. It is no different as an infantryman to trust another soldier to provide front, rear and side security on a convoy, as it is for an intelligence analyst who trusts his fellow analysts to

safeguard classified information from the hands of the enemy.

If Pfc. Manning had not signed those NDAs before he was deployed, he would not have worked in a T-SCIF and would not have been able to commit the crimes we are here today for.

Your Honor, you have heard from a number of witnesses about the jobs of an intelligence analyst in deployed environment. In Pfc. Manning's unit discussed what systems were used, how intelligence products were created and how to defeat the enemy, and what role Pfc. Manning specifically played in that process.

Your Honor, first, let's talk about what system the analyst used at FOB Hammer. Intelligence analysts at FOB Hammer primarily used the SIPRnet to gather intelligence.

From SIPRnet the analysts were assigned a D6A computer system, get programs D6A computers contained program that were regularly used by the analysts and readily accessible a special suite of programs installed in the SIPRnet computers designed

for United States Army all source intelligence analyst to complete their assigned task.

Your Honor, you heard from Sergeant Sadler, a SIGIT solider, not an all source intelligence solider, who never even that was a system solely for all source intelligence analyst.

Mr. Kits testified that the D6A machine is essentially for intelligence processing and exploitation and dissemination capabilities. Members of S2 section had complied with the programs commonly employed by analysts within the office were CIDNE (inaudible)

(inaudible) Your Honor, commonly used system and database for analysts. In particular analysts regularly SigActs which are tactical reports significant activity from the field.

Your Honor, Mr. Buchannon, through a stipulation of expected testimony testified that Intelink is a search engine on SIPRnet similar to Google, that also enables collaboration among members of the intelligence community.

Mr. Madaras explained that analysts typically used Intelink when they didn't have specific background knowledge on a certain topic so they didn't know what database to go to originally. So they would search on Intelink.

Analysts also used other programs, such as mIRC chat, which is a collaboration tool, similar to instant messaging, which allows analysts to quickly receive and disseminate information to and from the field up and down from the division to battalion.

Your Honor, you heard testimony how analysts create their products and Pfc. Manning's role in that process. Pfc. Manning was assigned to the fusion cell at FOG Hammer where he was responsible for contributing to the large scale enemy trained analysis and predictive analysis focused on the Shia, his focus in Southeast Baghdad Shia --

Your Honor, before continuing about the steps that Pfc. Manning went through in order to accomplish his normal intelligence and show his knowledge of what intelligence analysts knew about the

enemy, please note that the suite of tools that the Army gave Pfc. Manning to enable him to collate data, those tools, that based on Pfc. Manning's actions he enabled the enemy to have that information that the United States relies on its special tools to collate, organize and analyze.

He provided that information, packaged to the enemy. So now they can just analyze. He took all of the initial steps that they would need to do and gave that to them packaged, ready to be exploited, and the entire world. Yet we, United States Army, has special systems that allows to pull that information.

So speaking of those systems, Your Honor, the first step in the process is to pull and consolidate from various sources a particular topic, such as enemy activity in a region over a certain period of time.

After organizing the information the analysts would then plot the information on a map to visualize or create an intelligence summary.

Members of Pfc. Manning's unit testified

that he was the go-to-guy for data mining, the process of gathering mass intelligence on a particular topic and organizing that intelligence in a usable format.

Pfc. Manning's job was to reach into foreign databases, pull and organize it. He was ranked 10 out of 10 in data mining. Captain Fulton and Chief (inaudible) they testified in conducting this analysis generally required (inaudible) to come databases for the applicable SigActs.

Captain Fulton testified that often employed Pfc. Manning to data mine for mass information, particularly the SigActs relating to specific enemy activity, organize and display it on a map for her.

The purpose of this task, as Captain Fulton explained, was to determine whether the amount of attacks had increased or decreased over a time, as the unit prepared to draw drown and redeploy from Iraq. Fulton used this information to brief Colonel Miller on a weekly basis to make command decisions.

Chief (inaudible) testified that Pfc. Manning employed similar skills, so much so that he

prepared Iraq SigActs spanning a three year period in IEDs, small arms fire against convoys and their brigade.

The second step in this intelligence analyst product, process. As Chief Ehresman explained, was to make an assessment on the current inbound threat or may happen in the immediate or distant future. The second step is where the analysis comes into play; mainly enemy trend analysis and predictive analysis.

Enemy trend analysis is a study of how our enemies operate, to identify any trends or patterns in their behavior. Predictive analysis is the art of predicting enemy activity, enemy activity based upon enemy trends. Or put another way, enemy trend analysis leads to predictive analysis.

Chief Ehresman testified that historical and current data are important for conducting this analysis, as enemy groups tend to operate in the same areas and employ the same tactics over time. Historical information is just as useful intelligence analyst as the most current information.

It benefits -- it benefit, the historic information versus current, varies based of the desired intelligence product. The focus of the product.

Both enemy trend analysis and predictive analysis is essential for the commander to make his tactical decisions.

And you heard from Captain Fulton that Pfc. Manning was a good analyst and accomplished his assigned tasks, which included pulling information based on his knowledge of what the officer, she wanted or needed about the enemy.

You also heard from Mr. Hall, a defense expert qualified in the field of intelligence analyst, even junior analyst, like Pfc. Manning, knew that the enemy's capability and the enemy is just as capable as piecing together information as our own junior analysts are.

Although junior analysts are not expected to that in-depth predictive analysis, they understand the enemy's capabilities to use that information.

Your Honor, you also heard from Mr. Hall

that all analysts understand PIR, priority information requirements. The gaps in intelligence information that a commander has about the enemy, and how intelligence analysts know this and work to answer those specific gaps.

Your Honor, Pfc. Manning was a trained analyst who understood how to assess the enemy and how the enemy assesses U.S. Forces deployed.

Although not a senior analyst, Pfc. Manning pulled data and conducted analysis to assist the senior analysts with making actionable conclusions. He was specifically trained on how the enemy also conducted its own analysis and their capabilities to use information about U.S. forces and the United States national security and then fight against the United States.

Your Honor, Pfc. Manning's knowledge of and relationship with WikiLeaks, including when that relationship began, is readily apparent when all the evidence is considered together.

What is obvious is that Pfc. Manning pulled

as much information as possible to please Julian Assange in order to get that information released and Julian Assange found the right insider to mind SIPRnet and the NIPRnet databases.

Pfc. Manning began data mining of SIPRnet for intelligence relating to WikiLeaks organization soon after arriving in theater. Or more precisely, Your Honor, using his own words, right after Thanksgiving timeframe of 2009. Those Lamo chats, Page 9.

Your Honor, Prosecution Exhibit 24. Mr. Johnson found the, forensically found a file containing the contact information for Julian Assange and WikiLeaks, the leader of WikiLeaks, on Pfc. Manning's external hard drive. This is the contact information, Your Honor.

According to Mr. Johnson that file was created on 29 November '09. 29 November '09. That is less than two weeks after having access to SIPRnet that Pfc. Manning then began using his SIPRnet access to search Intelink for WikiLeaks.

We have heard testimony, Your Honor, that 3rd Brigade, 2nd Airborne finished the rip total with 210 Mountain in second week of November. Which means by the beginning of December, that is the first two weeks that Pfc. Manning had access to SIPRnet without another soldier sitting to his left or right during the (inaudible)

Your Honor, Special Agent Shaver testified that Pfc. Manning searched Intelinks for the term WikiLeaks more than 100 times beginning on 1 December 2009. Pfc. Manning also searched for Iceland related topics 25 times between January and April 2010. And also searched for Julian Assange in the same timeframe.

You can see all the searches for WikiLeaks on Prosecution Exhibit 81. Prosecution Exhibit 81, Your Honor, is the summary of searches conducted by Pfc. Manning from his SIPRnet computer.

And according to Prosecution Exhibit 81, he conducted four searches for the term WikiLeaks, Your Honor, for approximately every five days that he was at

FOB Hammer. Four searches for the term WikiLeaks every five days, when he was at FOB Hammer.

Your Honor, one day after returning from R&R leave Private First Class Manning compromised (inaudible) and other Department of State information. WikiLeaks published the cable a day later. In response to the public release of that cable by WikiLeaks, Private First Class Manning observed that the United States Ambassador to Iceland was recalled or, as he put it coldly, fired. That is in the Julian Assange chat, Your Honor.

Your Honor, why would Pfc. Manning be searching for and so focused on Iceland as an United States Army analyst focused on Southeast Baghdad, deployed in Iraq. Iceland searches relate back to Julian Assange, who was in Iceland in February 2010 and working on Islandic Modern Media Initiative.

Pfc. Manning knew that WikiLeaks would be interested in matters pertaining to Iceland. That could guarantee him real time disclosures actually on the web, as fast as possible, for the world to access.

Your Honor, you heard evidence that Pfc. Manning used other sources on the SIPRnet to gather information on WikiLeaks as well. Just five days after returning from R&R leave Pfc. Manning created an Open Source Center account on 20 February 2010. And he used the same moniker, BradS87, that he used in his Lamo chats. Prosecution Exhibit 139 showed this information.

Shaver testified that the same day Pfc. Manning began using is OSC account to search for terms like WikiLeaks in Iceland. Mr. Allen testified that the Open Source Center with a website (inaudible) Central Intelligence Agency containing reports, translation and other information on unclassified publications worldwide.

But it is not just a website providing news updates. Special Agent Shaver testified that Pfc. Manning searched for WikiLeaks at OSC more than 20 times. And information on Iceland more than 25 times. Your Honor, why else would Pfc. Manning actively seek a new account on the Open Source Center.

Julian Assange and Pfc. Manning discussed the Open Source Center what is available. Julian Assange stated that the OSC is, something we want to mine entirely. That is the Julian Assange chats, Page 5.

WikiLeaks' interest in the Open Source Center and Government analysis is also confirmed by Most Wanted List, Prosecution Exhibit 109. Both databases.

Defense corresponding exhibit. So what did Pfc. Manning learn about WikiLeaks through all these constant searches? The United States Government, specifically United States Military, created three classified U.S. Government reports that focused on the threat WikiLeaks poses to the national security of the United States; ACIC report, NCIS IRR and the C3 document.

First, Your Honor, the Army counter-intelligence report on WikiLeaks. Between the ACIC website logs at Prosecution Exhibit 63 and summary of the ACIC document, Special Agent Shaver, Prosecution

Exhibit 84, Pfc. Manning viewed the ACIC report on at least five separate occasions starting from less than two weeks after access on SIPRnet on 1 December '09 through 7 March 2010.

ACIC report is Prosecution Exhibit 45 and 46. (inaudible) testified the purpose of the ACIC document was to assess counter-intelligence threat to the U.S. Army posed by WikiLeaks.

As you look at Prosecution Exhibit 45, Your Honor, please note, note that the first bullet point under key judgment of ACIC report is that WikiLeaks represents a potential force protection, counter-intelligence OPSEC and (inaudible) to United States Army. Essentially the same language Pfc. Manning used when he taught the dangers of OPSEC violations.

The second bullet states, recent unauthorized releases of DoD sensitive and classified information documents provide foreign intelligence services, foreign terrorists groups, insurgents and other foreign adversaries potentially actionable information targeting U.S. forces.

Your Honor, the sixth bullet states that WikiLeaks most likely has other DoD sensitive and classified information in its possession and will continue to post the information on the website.

Finally, the report concluded that it must be presumed that foreign adversaries will review and assess any DoD sensitive or classified information posted for the WikiLeaks website.

Pfc. Manning sent reports to WikiLeaks with the intent that they be released to the world. And it was, Your Honor.

Your Honor, second, the intelligence information IRR, dated 23 March 2008 titled Internet Web Posting of classified and official use only documents. Prosecution Exhibit 99.

First, Your Honor, what is IRR? That's a report used by intelligence professionals to report analysis of raw intelligence. The purpose of this IRR was to raise the awareness as a threat to national security.

Special Agent Shaver that he created

Prosecution Exhibit 85. That was a summary of the intel log information related to the IRR, and later I will talk about, Your Honor, a C3 document.

THE COURT: What exhibit?

MAJOR FEIN: Exhibit 85. That summary relates to and shows that Pfc. Manning downloaded this report on 14 February 2010. Found on Line 19 of that exhibit.

The purpose of that IRR was to raise the awareness of the threat caused by WikiLeaks to the intelligence community. IRR discussed WikiLeaks is publicly accessible website where the leaked information includes classified and for official use only, can be published to the public anonymously.

The report described the threat of publishing classified information. It also detailed the release of a Camp Delta SOP, GITMO, that was unclassified, for official use only and caused concerns within the United States Government.

Your Honor, Pfc. Manning also compromised this document to WikiLeaks. Line 5 of Prosecution

Exhibit 127. That's a volumes.txt data. That is when a CD was burned on a SIPRnet computer, date and time of that burn, the file name and folder structure. And that was created on his personal Mac. Once you take a CD, burn, put it into the Mac computer it creates a log file.

That was Line 5, Your Honor. Third, the report dated 7 January 2010, that I have already referenced is a 3C report. This is the trip report discussing the Marine Corp monitoring the chaos communications Congress that was held 26 to 30 December 2009 in Germany.

This report, Your Honor, Prosecution Exhibit 43. Your Honor, going back to Prosecution Exhibit 85, the summary that Special Agent Shaver created for the IRR, the 3C document. Line 12 shows that Pfc. Manning downloaded that document 14 February 2010 as well.

(Inaudible) the author of the document testified that the document was posted to its unit portal on SIPRnet and the address at Line 12 was the

address for that article.

Sergeant (inaudible) also testified that the purpose of the report was to identify a potential threat by WikiLeaks, particularly a security threat that the owners may be vulnerable to. And then his analysis was how to fix that vulnerability. The report discussed that WikiLeaks publicly accessible internet website, leaked information, including classified information can be published.

On Page 3 of Prosecution Exhibit 43, the report, analysis states, WikiLeaks.org posses a large threat not only from the external disclosure but also from the insider. The insider within the Department of Defense. The insider would be able to leak information without fear of any direct individual repercussions.

Your Honor, Pfc. Manning compromised this document to WikiLeaks. That is clear by looking at the file titled C3 on the .txt printout, Prosecution Exhibit 127.

Your Honor, through his constant searches, systematic review of intelligence reports, Pfc. Manning

knew exactly what type of information he was providing classified information to an organization that diverse elements of the U.S. Military reported was a threat to the national security interest of United States Government.

Your Honor, in addition to the research that he conducted, also looked at Pfc. Manning's actual thoughts on WikiLeaks, as captured in his chat logs with Lamo and Julian Assange.

These chat logs confirm that Pfc. Manning saw WikiLeaks as anything but a journalistic enterprise. Pfc. Manning saw WikiLeaks as an intelligence agency. And that Pfc. Manning knew that WikiLeaks' goals in the methods were different than anything that could be characterized as traditional journalism.

Your Honor only needs to look as far as the chats to Julian Assange, Prosecution Exhibit 123. That is the Assange chats. Page 9, Your Honor. Pfc. Manning identified WikiLeaks as the first intelligence agency for the general public. And in his own words, because

it did everything an intelligence agency does, minus the anonymous sourcing.

Page 10 of the chats, Your Honor, Julian Assange confirmed this evaluation and noted that the original WikiLeaks described WikiLeaks as the first intelligence agency of the people, better principled and less parochial than any Government intelligence agency. Its only interest in revelation of the truth.

Even when discussing the substantive of the information that he compromised Pfc. Manning acknowledged what was in the documents would make it look more like a journalist acquired it. That's on Page 2.

And what did Julian Assange say about his operation to Pfc. Manning? He talked about giving an Intel source a list of things he wanted. Page 7. He talked about outing another spy this afternoon. Page 11.

He asked Pfc. Manning if there's some way I can get you a crypto phone? Page 11. Crypto phone, secure communications with Pfc. Manning in Southeast

Baghdad.

Pfc. Manning knew anything he disclosed WikiLeaks would be published on the internet for the world to see. It is clear Pfc. Manning wanted this information to be in the public domain.

The ACIC report, which Pfc. Manning repeatedly read and compromised, discusses the DoD classified information that WikiLeaks released in the past and how WikiLeaks posts all information they receive without editorial oversight.

The ACIC report also says that WikiLeaks aimed for maximum political impact. The C3 document stated that the goal of WikiLeaks was to create openness. And Prosecution Exhibit 30, these are the chats, Lamo chats, Your Honor, Pfc. Manning admitted that he transferred his documents to WikiLeaks, he couldn't let these things stay inside the system and inside of his head. Page 26.

He also specifically admitted that the information he sent to WikiLeaks belongs to the board of public domain, the information should be free. Page

40. He also stated about the Apache video. Event occurring 2007, I watched video in 2009 with no context to research, forward information to a group of Freedom of Information Act. Page 33.

Your Honor, the chats with Assange. Pfc. Manning says, I told you before Government organizations can't control information. The harder they try the more violently the information wants to get out. That's Page 5, Your Honor.

When discussing WikiLeaks obtaining information from a public figure's email account and posting that information, Pfc. Manning says, well, I don't know what a posting of a list of (inaudible) but, hey, its transparency. Page 5.

Your Honor, setting aside semi-classified documents to established journalistic enterprise like New York Times or Washington Post would be a crime. That is not what happened in this case under these facts.

Pfc. Manning deliberately and intentionally disclosed his compromised information through WikiLeaks

to the world knowing that WikiLeaks would release the information in the form they received it and that is, Your Honor, that is exactly what happened in this case.

WikiLeaks was merely the platform which Pfc. Manning used to ensure all the information was available for the world, including the enemies of the United States.

Your Honor, Defense offered Professor Benkler as an expert in the network for (inaudible). Professor Benkler's opinion is based on bias, misinformation and a flawed methodology. It provides no utilities because regardless of his conclusions, Your Honor, Professor Benkler can give you no insight in what Pfc. Manning was thinking at the time he was deployed.

Professor Benkler based his opinions largely on a review of articles, news articles, post July 2010, several months after Pfc. Manning was placed in pretrial confinement.

However, if there's any utility to Professor Benkler's testimony it was in his answers to

several questions posed to him on journalistic enterprises, in general, questions that used Pfc. Manning's own words.

Professor Benkler agreed that a transparency movement is not a journalistic enterprise. He agreed that information activist is not a journalistic enterprise. He agreed there's a difference between activism and journalism.

WikiLeaks, an organization with a mission for transparency of U.S. Government classified information for the purpose of maximizing political impact. Information -- well, essentially, Your, Honor information anarchist. That failed to meet even Professor Benkler's criteria for a journalistic enterprise.

Your Honor, Professor Benkler testified that his main sources of information were the news articles he reviewed, which he then assigned values to in some way that's not entirely transparent. And used some critiques he received from Julian Assange when he posted his draft article on his personal web page.

Professor Benkler conducted no independent research on any aspect of WikiLeaks, including the ACIC reports, or WikiLeaks, nor did he interview anyone with firsthand knowledge of WikiLeaks.

He clearly had a point of view and strong opinions. But Professor Benkler did not have access to the evidence in this case revealing what Pfc. Manning actually knew and thought of the WikiLeaks organization, nor did he have access to the evidence that demonstrated how WikiLeaks actually operated outside the news report he analyzed and researched.

Reporting that any knowledge was very poor at the time. As an example of professor Benkler's faulty process, he concluded that WikiLeaks acted responsibly by characteristic of a traditional news media, hand selected or redacted December cables in 2010.

He spent much time testifying that 80 percent incorrectly reported that WikiLeaks released over 250,000 Department of State cables onto the internet at that time, when he counted only 272 cables

based on other news reports, correlating news reports.

He further concluded that WikiLeaks continued to follow that model in all of their releases. Had Professor Benkler actually conducted independent research outside of news reports, such as contacting WikiLeaks, editors of newspapers, or any other person with firsthand knowledge, he would have quickly realized that WikiLeaks actually did release 251,287 purported cables on the internet in unredacted form, as well as other databases of information that Pfc. Manning compromised.

Your Honor, regardless of what Professor Benkler, the Defense of United States believes WikiLeaks is or is not, the evidence is clear that Pfc. Manning believed the organization to be his conduit to release as much information as he could obtain.

But why did he choose WikiLeaks? He chose WikiLeaks because they sought, almost exclusively, from the United States, United States Government classified information, and that is what Pfc. Manning could provide them as an intelligence analyst on SIPRnet.

The three intelligence reports, all said that WikiLeaks, any type of classified information as well as PII and their operational data. In chats with Julian Assange Pfc. Manning showed his understanding that WikiLeaks was seeking to publish Government controlled information, said to them by him and other donors.

Your Honor, that shows that WikiLeaks produced a Most Wanted List available on its website. That it identified to the reader the type of information that they sought, to gather and disclose in the name of transparency information anarchy. Looking at both versions of the Most Wanted List, Prosecution Exhibit 109 or 110 and the Defense unsorted list, Defense Exhibit Foxtrot or Defense Exhibit Papa.

The largest section on the Most Wanted List by several orders of magnitude, Your Honor, was the section devoted to the United States, specifically the section devoted to military intelligence documents on Prosecution Exhibits 109 and 10 in bulk databases on Defense Exhibits Foxtrot and Papa.

Less than two weeks after Pfc. Manning had regular access to SIPRnet, Pfc. Manning began using Intelink to search for items on that Most Wanted List. (Inaudible) Prosecution Exhibit 81, you'll see the searches on 28 November, 29, 30 November and 8 December '09, that correspond with items on the Most Wanted List. None of these have any relationship to a United States Army Intelligence Analyst assigned to Southeast Baghdad focused on a (inaudible)

Specifically, Your Honor, by 28 November 2009, Thanksgiving, Pfc. Manning was searching for information related to GITMO and interrogations. Prosecution Exhibit 81 is a summary of those.

The Most Wanted List in 2009 shows that WikiLeaks wanted CIA interrogation videos. Pfc. Manning searched for retention of interrogation videos. The term retention of interrogation videos on 28 and 29 November 2009. That is Line 28 through 32 of PE 81.

Pfc. Manning continued searching for detainee videos on 9 December. Retention of interrogation videos on Lines 28 through 32 of PE81.

Your Honor, Pfc. Manning continued searching for detainee videos on 9 December. That's Line 115 through 116. He conducted more searches for interrogation videos on 17 December. Line 154 through 155. He conducted another search a month later at Line 283.

Your Honor, the Most Wanted List of 2009 also shows that WikiLeaks wanted detainee abuse photos. Their term. Pfc. Manning searched for the term detainee abuse on 29 and 30 November, 2009. Lines 44 through 46. Line 63.

The Most Wanted List showed that WikiLeaks wanted Camp Delta, Guantanamo standard operating procedures. And Camp Delta, Guantanamo interrogation standard operating procedures, 2003 through 2009.

Your Honor, Pfc. Manning searched for Guantanamo detainee operations, JTF, GITMO SOP and SOP interrogation, among others, on 8 December. This is at Line 101 through 112.

Pfc. Manning continued the search throughout his deployment. 15 March Pfc. Manning searched Intelink

for information on GITMO, ISN and search. That was on Line 470 through 474.

Your Honor, Pfc. Manning spent hours, hours in late November 2009, early in December 2009, searching for topics that only related to one mission, finding and disclosing what WikiLeaks wanted.

He was not a naive soldier simply affected by an event on 24 December 2009, an event that only Chief Ehresman vaguely remembers, not even the exact date, but rather Pfc. Manning was deliberately taking advantage of the trust and access to classified systems in pursuit of his own objectives.

Think back to one of the first things that Pfc. Manning said to Lamo in the chats. If you had unprecedented access to classified networks, what would you do?

Pfc. Manning answered that question with his actions. He searched for as much information that he knew would guarantee his fame, information that WikiLeaks wanted to publicly release.

Your Honor, although he kept searching for

information on WikiLeaks' Most Wanted List, Pfc. Manning also wanted to ensure he would not get caught.

So why did Pfc. Manning chose to disclose classified information through WikiLeaks and not solely by himself for the world to have? He did not want to get caught, Your Honor. Pfc. Manning anticipated needing to slip into the darkness for a few years, let the heat die down. At least that's what he said to Julian Assange on the chats on Page 5.

Prosecution Exhibit 42. He instructed WikiLeaks to protect their source, protect him. The ACIC report on the IRR, informed Pfc. Manning as early as December '09, that WikiLeaks used anonymous methods to post information online.

The ACIC report detailed that WikiLeaks uses its own software which can make it difficult for foreign governments and foreign business to determine where the leak document was and who is responsible for leaking that document.

Your Honor, the IRR described WikiLeaks as an uncensorable Wikipedia for untraceable mass document

leaking analysis. The IRR concluded that the WikiLeaks website provides suggestions for the anonymous submission of material and several methods of submitting material for inclusion to an online database.

Your Honor, right now might be a good time for a brief recess before I get going.

THE COURT: All right. How much longer do you anticipate your argument is going to be? I'm looking at whether we should recess for lunch.

MAJOR FEIN: I can probably get through one more section and then recess for lunch. Overall, I anticipate two more full hours.

THE COURT: Why don't we take a 15-minute recess, get through the next session and take a lunch break.

MR. COOMBS: I would like to know maybe how long the section is. If the next session is an hour, I would rather break for lunch now.

MAJOR FEIN: It's not. Actually, I can probably get to the next session, right now it is the

first set of data that was compromised. Probably last 15 minutes. The section after that is lengthy, Your Honor, after the next section.

THE COURT: All right. Mr. Coombs, do you have any grave objection here to taking a quick 15-minute recess, finishing up with that 15 minutes and then taking a lunch break after that?

MR. COOMBS: No, objection, Your Honor.

THE COURT: The Court will recess until five after 12:00.

(Recess)

THE COURT: Court is called to order. Record show that all parties present when the Court last recessed are present in Court. Major Fein.

MAJOR FEIN: Yes, ma'am. The first dataset is (inaudible). This case starts with Pfc. Manning's admission to Mr. Lamo that he had helped WikiLeaks right at Thanksgiving 2000.

How did Pfc. Manning begin helping WikiLeaks? By transmitting the video file charged in Specification 11, Charge 2.

Specification 11 in Charge 2. Your Honor, what we know about the Granai airstrike video and why is it important? Pfc. Manning admitted to Adrian Lamo that he gave it to WikiLeaks. Lamo chat logs, Page 46. Jason Katz, an employee of Brookhaven National labs had a copy on his computer dated 15 December 2009.

We know that the video was encrypted (inaudible). We know that WikiLeaks tweeted on 8 January 2010, that they needed assistance with decrypting a video. These are undisputed facts.

So why, Your Honor, is the Defense fighting so hard to disprove this timing? Because the evidence destroys, Your Honor, their narrative that Pfc. Manning witnessed an event that helps explain his actions rather than accepting the facts as they -- Pfc. Manning was only interested in disclosing classified information to the world through WikiLeaks.

We start within weeks of having access to SIPRnet. And he chose a video that he could not even watch, a password protected video.

Pfc. Manning accessed this video before 1

December 2009 (inaudible). He transferred the video to his personal Mac and uploaded to WikiLeaks before 15 December 2009. So that lands in the hands of a person willing to assist WikiLeaks with a mass decryption effort.

THE COURT: Can you speak a little more slowly?

MAJOR FEIN: Yes, Ma'am. Pfc. Manning accessed this video before 1 December 2009. That was on the (inaudible) server. He transferred the video to his personal Mac and uploaded it to WikiLeaks before 15 December 2009.

He did that, Your Honor, so it could land in the hands, to assist in the decryption effort.

Your Honor, how do we know this? Special Agent Shaver testified that BE22PAX.zip, that file name contained in the video file within zip file called BE22PAX.wmv. WMV is the Windows file, Windows movie video type.

That video was located in the U.S. (inaudible) site with documents that were part of the

(inaudible) investigation.

According to multiple U.S. CentCom subject matter experts the investigation was focused on investigating the circumstances surrounding a civilian casualty (inaudible) incident.

Your Honor, Prosecution Exhibit 65 did the (inaudible). In that exhibit, you'll see the file BE22PAX.zip, which is also listed on the charge sheet, is under the folder called videos.

Multiple CentCom witnesses testified video operational activities, including troop movement, weapon systems and specific information contained on the heads up display.

In classified testimony, through a stipulation of expected testimony that the video reveals other details of military preparedness.

Your Honor, what we know forensically about Pfc. Manning in the late November 2009 and early December 2009 time period, Your Honor, between 29 November 2009 and 9 December 2009, Pfc. Manning searched several times on SIPRnet intelling specifically for the

terms SJA and CentCom. That's in Prosecution Exhibit 81.

Those searches would have brought Private First Class Manning to the U.S. SJA website, the legal website, Intel only shows searches and redirects, as you heard Special Agent Shaver, to other websites. They don't actually account for activity. It's on a separate server. The CentCom SharePoint server was a separate server.

Mr. Moser, senior paralegal for the U.S. CentCom SJA office and the administrator of the U.S. SharePoint page, he testified the (inaudible) videos located on SharePoint server.

Your Honor Prosecution Exhibit 91 is a copy of the portal web page. Five screen shots of that page, Your Honor. Note, Your Honor, when you review Prosecution Exhibit 91, across the top each of the web pages is a red banner. And that red banner has "secret" approximately five times spread across the top of that page.

Prosecution Exhibit 91 screen shots all the

different folders within the SJA investigations share the (inaudible) that leads to videos BE22PAX.zip. Your Honor, that banner put any visitor, including Pfc. Manning, on notice that the information on that website should at least be treated classified.

Special Agent Shaver (inaudible) duplicate, Your Honor, of that on Jason Katz's computer. Although the file he found was named B.zip. Jason Katz, an employer of the laboratory created B.zip on 15 December 2009. Had his computer plug into the lab's super computer, which is capable of breaking into or decrypting files.

Your Honor, Prosecution Exhibit 32 is a tweet from WikiLeaks on 8 January 2010, which states, having crypt-ed videos of U.S. bomb strikes on civilians with a web page, says Afghan, we need super computer time. That was on 8 January 2010.

Your Honor, this WikiLeaks tweet, the encrypted file on Katz's computer, which is connected to the super computer, and Pfc. Manning's admissions, all lead to one conclusion. The transmission of the

video occurred prior to 15 December 2009. And based on the evidence available to the Court, there's no other reasonable explanation.

And here's why, Your Honor. First Special Agent Shaver, Mr. Johnson, the other forensic examiner, testified they did not find any remnants or evidence of the videos running videos on any of the computers they examined.

We know that nothing was recoverable by the personal act before the 31 January 2010 or SIPRnet computers from March 2010, because they were reimaged. Personal Mac, because he forensically wiped his computer using a 7 pass forensic wipe. Pfc. Manning did that.

Second, Your Honor, Special Agent Shaver testified that when he reviewed the U.S. CentCom SharePoint server logs, so the actual server logs that housed the videos, that's Prosecution Exhibit 108. The log started on 1 December 2009. They captured all the access activity of the files in the folder that sat on the CentCom website.

Those logs, Your Honor, 1 December 2009. After that date the logs showed that the video was only accessed twice. Once on 28 January 2010 and again on 23 February 2010.

Now first, Your Honor, Pfc. Manning could not have accessed the video on that date because he was in Boston on R&R leave. Pfc. Manning did not access the video on 23 February 2010. The reason we know that is because of the Centaur logs. That captured threat data for this case between Pfc. Manning's SIPRnet computers and other destinations do not show any connections to the CentCom SharePoint server on 23 February 2010.

Now, Your Honor, note at Prosecution Exhibit 161, Special Agent Shaver testified that he created this summary, Prosecution Exhibit 161, that shows all the missing dates from the Centaur logs. So his testimony was, the Centaur logs were complete, but he testified that certain days he knew were complete because there were some activity that showed and other days it was completely void.

At line 58 of Prosecution Exhibit 161

showed that 23 February 2010, was reported within Centaur and not missing from the logs. And there was no entry from the a logs, as Special Agent Shaver testified, between Pfc. Manning's SIPRnet computer and the portal on 23 February 2010.

Third, at trial the Defense referenced the video file titled (inaudible). You heard testimony that it was located in a folder named (inaudible), a shared drive at FOB Hammer.

This file, Your Honor, on a Microsoft Windows computer, keeps track of the last ten times a file type is opened. WMV.

Special Agent Shaver testified that (inaudible) was listed in the NT user file under the WMV file type on Pfc. Manning's SIPRnet computer. Your Honor, this means that Pfc. Manning opened (inaudible) on his SIPRnet computer.

The issue here is that it could not be BEPAX22.WMV because that video, the charge video was an encrypted zip file. Thus, unable to be opened and viewed by Pfc. Manning. And could not show up in the NT

user file as a WMV viewed file.

Your Honor, fourth, Prosecution Exhibit 128 is the summary of all the (inaudible) related activity in the index.dac file on Pfc. Manning's SIPRnet computer. That's Prosecution Exhibit 128.

Special Agent Shaver testified in the index.dac records, that file records the dates and times the files are accessed either locally or remotely through a web browser for Windows.

Also testified on 10 April 2010, the day Pfc. Manning downloaded the entire investigation, less the videos, from the SharePoint site, there was no video file or zip file reflected in the activity on his SIPRnet computer. All the other files were downloaded but not a zip file or WMV file.

Your Honor, look at Prosecution Exhibit 129. That is the summary of the logs on 10 April 2010. Index.dac, Prosecution Exhibit 128, shows activity Pfc. Manning's computer connecting to SharePoint logs and Exhibit 129 next in line, a summary of the actual SharePoint logs from the CentCom website. Activity on

10 April 2010.

The CentCom logs show the other side of the download transaction. The CentCom site. Every document downloaded from the CentCom SharePoint site on 10 April 10 that is associated with Farah is located in that summary.

Most importantly, Your Honor, there is no video CentCom downloaded during that time on those logs also.

Your Honor, the video must have been downloaded prior to 1 December 2009 and transmitted no later than 15 December 2009. Your Honor, Pfc. Manning knew his video along with the other videos were classified.

Although the file name did not have annotation, the file was located on SIPRnet with a secret banner across the top of his scene. The video relates to the national defense of the United States, which the video contained the type of information which could cause serious harm to national security and thus should be secret.

(Inaudible) U.S. CentCom Deputy Commander duly appointed original classification authority testified that the charge video was properly classified at the secret level. And, Your Honor, the United States Government has never made this video available to the public as part of a 15-6 or any other.

Now at this time would be a good time for lunch recess.

THE COURT: All right. We can come back at 1330. Does that work for everybody?

MR. COOMBS: Yes, ma'am.

THE COURT: Court is in recess until 1330.

(Recess at 1:30 p.m.)

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